IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6525 of 2001
With
SPECIAL CIVIL APPLICATION NO.12549 OF 2001

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KARJAN TALUKA KELVANI MANDAL - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR AJ SHASTRI for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1,
MR TRILOK J PATEL for Respondent(s) : 2,
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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 08/12/2005

ORAL JUDGMENT

1. Special Civil Application No.6525 of 2001 is directed against the order dated 10.4.2001 passed by the respondent no.1 in Gratuity Case

No.20 of 2000 whereby the petitioner was directed to pay gratuity amount to the respondent no.2.

2. In special Civil Application No.12549 of 2001 the petitioner has challenged the order passed by the appellate authority, Mehsana in Appeal No.6/2001 dated 5.10.2001 whereby the appellate authority has set aside the order of Controlling Authority which ordered to pay an amount of Rs.1,01,715/- towards gratuity.

3. The issue involved in this petition is squarely covered by the decision in the case of Shantiben L. Christina V. A.O., A.M.S. Board, reportered in 2001(2) 1626 wherein it is held that gratuity At would not be applicable to a primary school teacher. In the case of Ahmedabad Pvt. P.T. Association V. Administrative Officer, reported in AIR 2004 SC 1426 has held that Teachers are not entitled to benefit of Gratuity Act.

4. In view of the aforesaid position Special Civil Application No.6525 of 2001 is allowed. Impugned order dated 10.4.2001 passed in Gratuity Case No.20 of 2000 is quashed and set aside. Rule is made absolute accordingly with no order as to costs.

5. Special Civil Application No.12549 of 2001 is rejected. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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